

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHNNY BAUR, )  
Plaintiff, )  
v. ) Case No.: 3:04 cv 890 WDS  
POWERSCREEN USA, LLC., )  
Defendant. )

**ORDER**

This matter is before the Court on the Motion to Amend filed by the plaintiff, Johnnie Baur, on April 19, 2005 (Doc. 35). The motion is **GRANTED**.

Federal Rule of Civil Procedure 15(a) provides that a party may amend a pleading and that leave to amend “shall be freely given when justice so requires.” However, leave to amend may be denied if there is “undue delay, bad faith, dilatory motive, prejudice, or futility.” Guise v. BWM Mortgage, LLC., 377 F.3d 795, 801 (7<sup>th</sup> Cir. 2004). The granting or denying of a motion to amend is reviewed for an abuse of discretion. Butts v. Aurora Health Care, Inc., 387 F.3d 921, 925 (7<sup>th</sup> Cir. 2004). The plaintiff seeks leave to amend in order to specify future surgery that he may need and future medical damages related to carpal tunnel syndrome. The amended complaint did contain an allegation of future damages; and, the second amended complaint identifies those damages. The defendant has not objected and there has been no showing of prejudice. Therefore, the plaintiff **SHALL** file his second amended complaint by **May 4, 2005**.

**DATED: April 29, 2005.**

s/ Donald G. Wilkerson  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**